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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/540,766	06/24/2005	Andrew Clark	N335.312-0001	7141
164 7590 09/09/2009 KINNEY & LANGE, P.A. THE KINNEY & LANGE BUILDING 312 SOUTH THIRD STREET MINNEAPOLIS, MN 55415-1002				
EXAMINER THOMAS, BRANDIN				
ART UNIT 2873		PAPER NUMBER		
MAIL DATE 09/09/2009		DELIVERY MODE PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Alan Koenck on 8/31/09.

The application has been amended as follows:

According to one aspect of the invention there is provided a pupilometer ~~as specified in Claim 1.~~

According to another aspect of the invention, there is provided image processing software ~~as specified in Claim 34.~~

The software may be embodied on a record medium, stored in a computer memory, embodied in read only memory, or carried on an electrical signal.

According to another aspect of the invention, there is provided a process for obtaining pupil image information ~~as specified in Claim 35.~~

According to another aspect of the invention, there is provided a hand-held pupilometer ~~as specified in Claim 36.~~

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRANDI N. THOMAS whose telephone number is (571)272-2341. The examiner can normally be reached on Monday - Thursday from 6-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Mack can be reached on 571-272-2333. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Brandi N Thomas/  
Examiner  
Art Unit 2873

BNT

/Jessica T Stultz/

Primary Examiner, Art Unit 2873